IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER: 10/660,998
FILING DATE: 09/12/2003

FIRST NAMED INVENTOR: David J. Ecker

ART UNIT: 1637

EXAMINER NAME: Survaprabha Chunduru

CONFIRMATION NUMBER: 7721

ATTORNEY DOCKET NUMBER: DIBIS-0002US.P5 (10468)

TITLE: METHOD FOR RAPID FORENSIC

ANALYSIS OF MITOCHONDRIAL DNA

AND CHARACTERIZATION OF

MITOCHONDRIAL DNA HETEROPLASMY

MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

> SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT Under 37 C.F.R. §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 C.F. R. §§ 1.56 and 1.97-98, enclosed herewith is PTO Forms PTO/SB/08A and PTO/SB/08B listing references for consideration by the Examiner.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

Serial No.: 10/660,998 Docket No.: DIBIS-0002US.P5

This Information Disclosure Statement is being filed:
within three months of the filing date of the application, or date of entry into
the national stage of an international application, or before the mailing date of a
first office action on the merits, whichever event last occurred;
before the mailing of a first official action after filing of a request for
continued examination (RCE) under 37 C.F.R. § 1.114;
after three months of the filing date of this national application or the date of
entry of the national stage in an international application, or after the mailing date
of the first official action on the merits, whichever event last occurred, but before
that mailing date of the first office action to occur of either: (1) a final action
under 37 C.F.R. § 1.113; or (2) an action that otherwise closes prosecution in the
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Applicant certifies pursuant to 37 C.F.R. § 1.97(e) that:
each item of the information contained in this Information
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OR
no item of information contained in this Information Disclosure
Statement was cited in a counterpart foreign application and, to the
knowledge of the person signing this certification after making
reasonable inquiry, no item of information contained in this
Statement was known to any individual designated under 37 C.F.R.
§ 1.56(c) more than three months prior to the filing of this
Statement.
\square on or before the payment of the issue fee but after the mailing date of the first
to occur of either: (1) a final action under 37 C.F.R. & 1.113: (2) a notice of

Serial No.: 10/660,998 Docket No.: DIBIS-0002US.P5

allowance under 3 / C.F.R. § 1.311; or (3) an action that otherwise closes
prosecution in the application, and:
Applicant certifies pursuant to 37 C.F.R. § 1.97(e) that:
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knowledge of the person signing this certification after making
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attached hereto is the fee set forth under 37 C.F.R. § 1.17(p) for
submission of this Information Disclosure Statement under 37 C.F.R. §
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after the payment of the issue fee. Applicant requests that the information
contained in this Information Disclosure Statement be placed in the file according
to 37 C.F.R. § 1.97(i), although the information may not be considered by the
USPTO.
$\hfill \square$ Enclosed is a copy of each listed reference that may be material to the examination of
this application, and for which there may be a duty to disclose.
☐ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior
application No. 09/798,007, filed on 03/02/2001, and references cited therein are hereby
referenced, but are not required to be provided in this application under 37 C.F.R. §
1.98(d).

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☑ This application was filed after June 30, 2003. Therefore, pursuant to the waiver of
the requirements under 37 C.F.R. § 1.98(a)(2)(i), copies of each U.S. Patent and each
U.S. Patent Application Publication are not required to be submitted. Copies of any
foreign patent documents and non-patent literature cited herein are enclosed.
Each item of information contained in this Information Disclosure Statement was
cited in the communication from a foreign patent office in a counterpart application, and
the communication was not received by any individual designated in 37 C.F.R. § 1.56(c)
more than thirty days prior to the filing of this Information Disclosure Statement 37
C.F.R. § 1.704(d).
Applicant submits that no fee is required for the consideration of this Information
Disclosure Statement. However, if a fee is due, the Commissioner is hereby authorized
to charge Deposit Account No 50-4191 referencing case number .
Consideration of the listed references and favorable action are solicited.
Respectfully submitted,
Jeff Landes, Esq. Registration No.: 55,355 Isis Pharmaceuticals, Inc. 1896 Rutherford Road Carlsbad, CA 92008

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Complete if Known			
Application Number	10/660,998		
Filing Date	09/12/2003		
First Named Inventor	David J. Ecker		
Art Unit	1637		
Examiner Name	Suryaprabha Chunduru		
Attorney Docket Number	DIBIS-0002US.P5		

			U.S. PATENT I			
Examiner Cite	Cite No.	Document Number Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevan Passages or Relevant Figures Appear	
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	FOREIGN PATENT DOCUMENTS						
Examiner	Cite	Foreign Patent Document	Publication	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
Initials*	No.1	Country Code ³ - Number ⁴ - Kind Code ⁵ (#known)	Date MM-DD-YYYY			T ⁶	
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1	Substitute for form 1449/PTC)			Complete if Known
	INFORMATION		CL OCUPE	Application Number	10/660,998
				Filing Date	09/12/2003
	STATEMENT E	BY A	PPLICANT	First Named Inventor	David J. Ecker
				Art Unit	1637
	(Use as many st	heets as	necessary)	Examiner Name	Suryaprabha Chunduru
♥	Sheet 2	of	2	Attorney Docket Number	DIBIS-0002US.P5

NON PATENT LITERATURE DOCUMENTS							
Examiner Initials *	Cite No.1						
	cs	JENSEN, M. A. et al., "Rapid Identification of Bacteria on the Basis of Polymerase Chain Reaction-Amplified Ribosomal DNA Spacer Polymorphisms," <i>Appl. Environ. Microbiol.</i> (1993) 59(4):945-952.					

Examiner Signature	Date Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.